

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AGERE SYSTEMS, LLC, ET AL., :
: CIVIL ACTION
Plaintiffs :
: No. 02-3830
v. :
: ADVANCED ENVIRONMENTAL
TECHNOLOGY CORPORATION, ET AL., :
: Defendants :

ORDER

AND NOW, this 12th day of June 2008, upon consideration of Plaintiffs' Motion to Bar Testimony from Ashland, Inc.'s Designated Experts (Doc. No. 334) and Ashland's response (Doc. No. 350), it is ORDERED that plaintiffs' motion is GRANTED in part and DENIED in part.

Ashland, by consolidating its experts' reports into a single document, failed to disclose the opinion and basis thereof for each of its experts as required by Federal Rule of Civil Procedure 26(a)(2). However, plaintiffs cured the defect when they deposed the experts and elicited the individual opinion of each expert. As such, the expert opinions will not be excluded.

Ashland's expert witnesses are limited to testifying as to their own opinions. While it is true that an expert witness may base his or her opinion on the opinion of another expert, where the soundness of the underlying opinion is at issue, the expert as to that opinion must testify.

BY THE COURT:

/S/LEGROME D. DAVIS

Legrome D. Davis, J.